IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2506 OF 2005

Umesh Vasantrao Nikam ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr.B.D.Joshi with Mr.Ganesh Gole for Applicant.

Mr.A.S.Gadkar, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.

APRIL 19, 2005.

P.C.

1. Heard Counsel for the parties. Perused the record.

2. The Applicant apprehends arrest in connection with offence registered with Chawani Police Station, Malegaon in C.R.No.42 of 2005. The case of the Complainant is that during the course of disciplinary enquiry against her, the Applicant, who happens to be the Secretary of the institution,

had objected to her bringing tape-recorder and recording the proceedings of the enquiry Committee. Thereafter, she walked out of the room in protest. It is her case that the Applicant soon followed her and snatched her Mangalsutra valuing about Rs.27,000/- (Rupees Twenty-seven Thousand) and her bag containing Rs.3,000/- (Rupees Three Thousand). Her version is supported only by Principal, Hingmire, who was her representative in the disciplinary proceedings.

3. I find substance in the argument of the Applicant that this complaint has been registered as counterblast to the disciplinary proceedings against the Complainant and moreso, when the disciplinary proceedings were at the final stage. Besides, there is no independent evidence to support the version of the Complainant that immediately after the Complainant left the room, the Applicant had followed her in rage. Whereas, the statements of other witnesses recorded by the Investigating Officer so far, would indicate that after the Complainant left the premises, they continued their work for another half an hour and

thereafter, all of them dispersed.

4. In other words, prima facie, there is substance in the argument that the Applicant has been falsely implicated out of personal vengeance by the Complainant. Accordingly, this Application ought to succeed on the following terms:

a) The Applicant is granted anticipatory bail in connection with C.R.No.42/2005 registered with Chawani Police Station, Malegaon, on executing personal bond in the sum of Rs.10,000/- (Rupees Ten Thousand) with two local sureties in the like amount.

(b) The Applicant shall abide by the conditions under Section 432 of the Criminal Procedure Code, as applicable to the State of Maharashtra.

5. This order shall enure in favour of the Applicant till the filing of the charge-sheet.

6. Application disposed of on the above

terms.

A.M.KHANWILKAR, J.